

REMARKS

Claims 1-24 are pending in the instant application, with all claims rejected by the examiner in the outstanding Office Action. Specifically, the examiner rejects claims 1, 3, 4, 7, 9, 10, 12, 13, 16, 17, 18, 19, 22, and 24 as being obvious under 35 U.S.C. § 103(a) over Rohani (US 5,999,522) in view of Gilhousen (US 5,625,876). Claims 2 and 11 are rejected as obvious over Rohani, in view of Gilhousen and further in view of CZAJA (US Pub. 2002/0037726). Finally, claims 5, 6, 8, 14, 15, 20, 21, and 23 are rejected as obvious in view of Rohani, in view of Gilhousen and further in view of Tiedemann (US Pub. 2002/0154610).

First, all independent claims (1, 10, and 17) are rejected over the argued-for combination of Rohani and Gilhousen. All such claims include a limitation relating to forcing or implementing an “always-softer” reverse link condition at a radio base station (RBS) for a mobile station being served by the RBS. The examiner wrongly asserts that Rohani teaches forcing always-softer reverse link handoff conditions. Respectfully, it appears that the examiner has misunderstood the teachings of Rohani. For example, the section of Rohani cited by the examiner in support of the obviousness rejection flatly contradicts—i.e., explicitly teaches away from—the examiner’s rejection arguments.

More particularly, the examiner refers to Fig. 2 and col. 4, lines 1-20, of Rohani as illustrating that reverse link signals 215, 216, and 217 (from mobile station 290) are assigned to sectors 210, 220, and 260 (of cell 200). The examiner mistakenly believes that these teachings in Rohani are the same as, or equivalent to, Applicant’s always-softer claim limitation. The plain language of Rohani makes the error of that belief clear. Specifically, at col. 4, lines 1-40, Rohani carefully explains that the mobile station 290 transmits a reverse link signal 215 to sector 210 of cell 200, but notes that the reverse link signal radiates in all directions and, thus, may be received at other, non-serving sectors of cell 200, e.g., at sectors 216 and 217.

However, and this is where it appears that the examiner's flawed reading of Rohani arises, mere "reception" of the reverse link signal at other sectors of cell 200 does not mean that these other sectors are used to force softer handoff with the mobile station 290. Indeed, Rohani explicitly explains only that the reverse link signals 216 and 217 received in the other sectors 220 and 260 are assessed for their signal strength as a basis for determining whether these other sectors are viable candidates for handoff of the mobile station.

Therein lies the whole point of Rohani. Namely, Rohani teaches that a cell may evaluate the strength of a mobile station's reverse link signal as received in other (non-serving) sectors of the cell as a basis for updating a "candidate list," which represents handoff candidates for the mobile station. This function relieves the mobile station of the burden of ongoing candidate list processing. See, e.g., Rohani at col. 4, lines 20-40, for a detailed explanation of Rohani's actual workings. Tellingly, that passage of Rohani explains that the signal strength of the mobile station's reverse link signal as received in other sectors (220 and 260) of the cell 200 specifically is evaluated relative to some threshold value, such as a relative value between the received signal strength as measured in the serving sector 210 and the received signal strength as measured in the other sector.

Rohani states that if the signal strength is too low, the other sector is not considered to be a handoff candidate for inclusion in the candidate list. As such, Rohani specifically teaches excluding sectors on the reverse link, rather than forcing always-softer handoff. Of course, the further, and perhaps more fundamental point, is that the meaning Rohani gives the term "receive" in the context of receiving a mobile station's reverse link signal at multiple sectors appears to mean receive for the purpose of measuring signal strength as part of handoff candidate list management, and not "receive" in the sense that the reverse link signal is actually processed for soft handoff reception combining, e.g., demodulated and decoded.

However, even if one conjectured that Rohani sometimes employs softer handoff on its reverse links, that still would not meet Applicant's always-softer claim limitation. Applicant has not claimed softer handoff as a concept, but rather has claimed forcing or implementing always-softer handoff. There is not even the barest hint or suggestion of that claim limitation in Rohani, or in any other of the cited references.

In summary, the examiner's assertion that Rohani teaches forcing or implementing always-softer reverse link handoff, as included in independent claims 1, 10, and 17, is flatly contradicted by the clear and plain language of Rohani. Thus, because at least that aspect of Applicant's claims is entirely absent from Rohani, all obviousness rejections based on Rohani fail as a matter of law and applicant submits that claims 1-24 are allowable over any combination of references cited by the examiner in the outstanding Office Action. That is, because Rohani does not teach the claimed always-softer limitation, Rohani in any combination with one or more of the other references fails to teach or suggest Applicant's claimed invention and the examiner has therefore failed to carry the burden of making out a prima facie case for obviousness.

All claim rejections further fail as a matter of law because the proffered motivation to combine Gilhousen with Rohani is, respectfully, conclusory and self-serving. Rohani teaches measuring reverse link signal strength at non-serving sectors of a cell to generate handoff candidate lists—this operation is noted as lessening the processing burden on mobile stations, thereby improving their battery life. (See, e.g., col. 2, line 67 of Rohani.) Gilhousen teaches particular techniques for reverse link signal combining which are unrelated to Rohani's candidate list generation and, therefore, it is mere unsupported assertion to state that one skilled in the art would be motivated to combine Gilhousen with Rohani.


With the above arguments in mind, Applicant respectfully notes that the believed allowability of all independent claims over Rohani, and the observed technical and legal

shortcomings of Rohani as the basis for all outstanding claim rejections, renders moot any detailed rebuttal of the rejections based on Rohani and Gilhousen, in further combination with CZAJA or Tiedemann. In short, Applicant believes that all rejections fail for the reasons given above, and respectfully requests the withdrawal of all outstanding rejections and the reconsideration of all claims.

Respectfully submitted,

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